

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6498

BILL NUMBER: HB 1068

NOTE PREPARED: Dec 17, 2007

BILL AMENDED:

SUBJECT: Drivers of Vehicles Carrying School Children.

FIRST AUTHOR: Rep. Herrell

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ GENERAL
☒ DEDICATED
☐ FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a driver who is convicted of operating a motor vehicle while under the influence of alcohol or who operates a commercial motor vehicle with a certain alcohol concentration is disqualified for life from transporting school children in: (1) a school bus; (2) a special purpose bus; or (3) certain vehicles owned by a school corporation. It provides that transporting school children when disqualified is a Class C misdemeanor.

Effective Date: July 1, 2008.

Explanation of State Expenditures:

Explanation of State Revenues: *Summary-* The bill could increase revenues for the state General Fund or the Common School Fund by establishing two new Class C misdemeanors. There are no data available to indicate how many offenders may be found guilty of driving children in a school bus, special purpose bus, or vehicle owned by a school corporation for transporting homeless students with a previous conviction for operating a vehicle while intoxicated. (Only convictions that occur after June 30, 2008, would be considered in this new offense).

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C misdemeanor is \$500. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed

in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$17), public defense administration fee (\$3), court administration fee (\$3), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Background: On average between 2001 and 2005, there were 11 offenders a year with commercial licenses cited and found guilty of operating a vehicle while intoxicated. During the same time period, there were on average 7,586 offenders a year with passenger vehicle licenses cited and 6,987 found guilty of operating a vehicle while intoxicated. All these offenders would be subject to a lifetime ban on driving children in school buses, special purpose buses, or certain vehicles owned by a school corporation under the bill.

Explanation of Local Expenditures: A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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